



House of Representatives

General Assembly

File No. 229

February Session, 2016

Substitute House Bill No. 5338

House of Representatives, March 29, 2016

The Committee on Housing reported through REP. BUTLER of the 72nd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DISCLOSURE OF INFORMATION OF RENTAL HOUSING PROGRAM PARTICIPANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2016*) (a) For purposes of this
2 section, "person" means any employee of a public agency, as defined in
3 section 1-200 of the general statutes, or any contractor that has entered
4 into a state contract with such public agency. No person shall, except
5 for purposes directly connected with the administration of programs
6 of the Department of Housing and in accordance with the regulations
7 of the commissioner, solicit, disclose, receive or make use of, or
8 authorize, knowingly permit, participate in or acquiesce in the use of,
9 any list of the names of, or any information concerning, individuals
10 applying for or receiving assistance from the Department of Housing
11 or individuals participating in a program administered by said
12 department, directly or indirectly derived from the records, papers,
13 files or communications of the state or its subdivisions or agencies, or
14 acquired in the course of the performance of official duties. The

15 Commissioner of Housing shall disclose (1) to any authorized
16 representative of the Commissioner of Mental Health and Addiction
17 Services any information necessary for the implementation and
18 operation of the basic needs supplement program; (2) to any
19 authorized representative of the Commissioner of Administrative
20 Services, the Commissioner of Emergency Services and Public
21 Protection or the Commissioner of Social Services such information as
22 the Commissioner of Housing determines is directly related to and
23 necessary for the Department of Administrative Services, the
24 Department of Emergency Services and Public Protection or the
25 Department of Social Services to collect social services recoveries and
26 overpayments or amounts due as support in social services cases,
27 investigating social services fraud or locating absent parents of public
28 assistance recipients; (3) to any authorized representative of the
29 Commissioner of Children and Families necessary information
30 concerning a child or the immediate family of a child, including safety
31 net services, if (A) the Commissioner of Children and Families or the
32 Commissioner of Housing has determined that imminent danger to
33 such child's health, safety or welfare exists to obtain the services of the
34 family services programs administered by the Department of Children
35 and Families, or (B) the Commissioner of Children and Families
36 requires access to the federal Parent Locator Service established
37 pursuant to 88 Stat. 2353 (1975), 42 USC 653 in order to identify a
38 parent or putative parent of a child; (4) to any authorized
39 representative of the Commissioner of Early Childhood to carry out his
40 or her respective responsibilities under programs that regulate child
41 day care services or youth camps; (5) to a health insurance provider, in
42 IV-D support cases, as defined in subdivision (13) of subsection (b) of
43 section 46b-231 of the general statutes, information concerning a child
44 and the custodial parent of such child that is necessary to enroll such
45 child in a health insurance plan available through such provider when
46 the noncustodial parent of such child is under court order to provide
47 health insurance coverage but is unable to provide such information,
48 provided the Commissioner of Housing determines, after providing
49 prior notice of the disclosure to such custodial parent and an

50 opportunity for such parent to object, that such disclosure is in the best
51 interests of the child; (6) to any authorized representative of the
52 Department of Correction, in IV-D support cases, as defined in
53 subdivision (13) of subsection (b) of section 46b-231 of the general
54 statutes, information concerning noncustodial parents that is necessary
55 to identify inmates or parolees with IV-D support cases who may
56 benefit from Department of Correction educational, training, skill
57 building, work or rehabilitation programming that will significantly
58 increase an inmate's or parolee's ability to fulfill such inmate's support
59 obligation; (7) to any authorized representative of the Judicial Branch,
60 in IV-D support cases, as defined in subdivision (13) of subsection (b)
61 of section 46b-231 of the general statutes, information concerning
62 noncustodial parents that is necessary to: (A) Identify noncustodial
63 parents with IV-D support cases who may benefit from educational,
64 training, skill building, work or rehabilitation programming that will
65 significantly increase such parent's ability to fulfill such parent's
66 support obligation, (B) assist in the administration of the Title IV-D
67 child support program, or (C) assist in the identification of cases
68 involving family violence; (8) to any authorized representative of the
69 State Treasurer, in IV-D support cases, as defined in subdivision (13) of
70 subsection (b) of section 46b-231 of the general statutes, information
71 that is necessary to identify child support obligors who owe overdue
72 child support prior to the Treasurer's payment of such obligors' claim
73 for any property unclaimed or presumed abandoned under part III of
74 chapter 32 of the general statutes; or (9) to any authorized
75 representative of the Secretary of the Office of Policy and Management
76 any information necessary for the implementation and operation of the
77 renters rebate program established by section 12-170d of the general
78 statutes. No person shall disclose any information obtained pursuant
79 to this section, except as specified in this section. Any applicant for
80 assistance provided through the Department of Housing shall be
81 notified that, if and when such applicant receives benefits, the
82 department will be providing law enforcement officials with the
83 address of such applicant upon the request of any such official
84 pursuant to section 2 of this act.

85 (b) In IV-D support cases, as defined in subdivision (13) of
86 subsection (b) of section 46b-231 of the general statutes, in addition to
87 the prohibitions of subsection (a) of this section, no information shall
88 be released concerning the whereabouts of one party to another party
89 (1) against whom a protective order, a restraining order or a standing
90 criminal protective order with respect to the former party is in effect;
91 or (2) if the department has reason to believe that the release of the
92 information may result in physical or emotional harm to the former
93 party.

94 (c) The Commissioner of Housing shall provide written notice to an
95 individual applying for or receiving assistance from the Department of
96 Housing or an individual participating in a program administered by
97 said department that such individual's address, telephone number and
98 any other necessary information may be provided to the Department
99 of Children and Families pursuant to subdivision (3) of subsection (a)
100 of this section.

101 Sec. 2. (NEW) (*Effective October 1, 2016*) The Commissioner of
102 Housing shall disclose the current address of an applicant or recipient
103 of benefits under any program administered by the Department of
104 Housing, unless prohibited by federal law, upon the request of a
105 federal, state or local law enforcement officer if the following
106 conditions are met:

107 (1) Such officer provides said department with the name of the
108 recipient;

109 (2) (A) Such officer notifies said department that the recipient is
110 fleeing to avoid prosecution, or custody or confinement after
111 conviction, under the laws of the place from which the individual flees,
112 for a crime, or an attempt to commit a crime, which is a felony or high
113 misdemeanor under the laws of the place from which the individual
114 flees, or violating a condition of probation or parole imposed under
115 federal or state law as a result of the commission of such a felony or
116 high misdemeanor, or (B) the recipient has information necessary for
117 such officer to conduct official duties in relation to a crime committed

118 or an attempt to commit a crime which is a felony or high
119 misdemeanor in the state in which the crime is committed or
120 attempted; and

121 (3) The location or apprehension of the recipient is within official
122 duties of such officer.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	New section
Sec. 2	<i>October 1, 2016</i>	New section

HSG *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill has no impact by requiring the protection of confidential client information for various housing programs.

The bill provides the same protections to program participants as provided when the Department of Social Services administered the programs.¹ The Department of Housing continued these protections as the succeeding administrator of these programs. The bill therefore conforms to current practice and has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

¹ PA 13-234 transferred various housing programs from the Department of Social Services to the Department of Housing.

OLR Bill Analysis**sHB 5338*****AN ACT CONCERNING THE DISCLOSURE OF INFORMATION OF RENTAL HOUSING PROGRAM PARTICIPANTS.*****SUMMARY:**

PA 13-234 transferred certain housing programs to the Department of Housing (DOH) from the Department of Social Services (DSS) (see BACKGROUND). This bill establishes similar protections for DOH program participants' personal information as the law establishes for DSS program participants' personal information (CGS § 17b-90). The bill's provisions apply to all DOH programs, not only those transferred from DSS.

With exceptions, the bill prohibits certain individuals and contractors from releasing, soliciting, or using personal information about individuals applying for or receiving DOH assistance or participating in one of the department's programs. The prohibitions apply to (1) any employee of a public agency, as defined in the Freedom of Information Act (FOIA), and (2) contractors that have entered into a state contract with a public agency (hereafter "covered employees and contractors") (see BACKGROUND). (The law on DSS program participants applies to disclosures by anyone, not only public agency employees and contractors.) The bill does not define "state contract."

The bill requires the commissioner to disclose the protected information to specified individuals when disclosure is necessary to, among other reasons, apprehend a convicted or suspected criminal, protect a child, or operate certain programs.

EFFECTIVE DATE: October 1, 2016

PROHIBITION ON DISCLOSURE

Generally, the bill prohibits covered employees and contractors from disclosing DOH program participants' personal information, unless the disclosure is (1) for a reason directly connected with administering a DOH program and (2) in accordance with departmental regulations.

Specifically, the bill prohibits covered employees and contractors from soliciting, disclosing, receiving, or using the names or other information of (1) DOH program participants or (2) individuals applying for or receiving department assistance. It similarly prohibits covered employees and contractors from authorizing, knowingly permitting, participating in, or acquiescing in the use of this personal information. The prohibitions apply to information that is (1) directly or indirectly derived from the records, papers, files, or communications of the state or one of its agencies or subdivisions or (2) acquired in the course of performing official duties.

In IV-D child support enforcement cases, the bill specifically prohibits the release of information about the location of one party to another party against whom a protective order, restraining order, or standing criminal protective order, with respect to the former party, is in effect. It similarly prohibits releasing this information if DOH has reason to believe that releasing the information may result in physical or emotional harm to the former party (see BACKGROUND).

Exceptions

The bill creates several exceptions to the prohibition on disclosure. Unless prohibited by federal law, the bill requires the commissioner to disclose a program applicant's or participant's current address upon request by a federal, state, or local law enforcement officer when the:

1. officer provides DOH with the recipient's name;
2. officer has the authority to arrest the recipient; and
3. (a) officer notifies DOH that the recipient is fleeing to avoid

prosecution, custody, or confinement for a committed or attempted felony or high misdemeanor, or probation or parole violation, under the laws of the jurisdiction from which he or she is fleeing or (b) recipient has information necessary for the officer to conduct his or her official duties relating to a committed or attempted felony or high misdemeanor.

In addition to requiring the disclosure of personal information to law enforcement officers as described above, the bill specifies several other required disclosures, as shown in Table 1.

Table 1: Required Disclosures

<i>Recipient</i>	<i>Information</i>
Authorized representative of the Department of Mental Health and Addiction Services commissioner	Information necessary to implement and operate the basic needs supplement program
Authorized representative of the commissioners of the Department of Administrative Services, Department of Emergency Services and Public Protection, or DSS	Information necessary to (1) collect social services recoveries, overpayments, or support; (2) investigate social services fraud; or (3) locate absent parents of public assistance recipients
Authorized representative of the Department of Children and Families (DCF) commissioner	Information on a child or his or her immediate family, including safety net services, if the (1) DCF or DOH commissioner determines that imminent danger to the child's health, safety, or welfare exists or (2) DCF commissioner requires access to the federal Parent Locator Service to identify a child's parent or putative parent
Authorized representative of the Early Childhood commissioner	Information necessary to carry out responsibilities under programs regulating child day care services or youth camps
Health insurance provider in IV-D child support cases	Information on a child and his or her custodial parent that is necessary to enroll the child in a health insurance plan when a noncustodial parent who is under court order to provide coverage is unable to provide the information, as long as the DOH commissioner (1) notifies the custodial parent and provides an opportunity for him or her to object and (2) determines that disclosure is in the child's best interests
Authorized representative of the Department of Correction (DOC) in IV-D child support cases	Information concerning noncustodial parents that is necessary to identify inmates or parolees with IV-D child support cases who may benefit from DOC educational, training, skill building, work, or rehabilitation programming that will significantly increase their ability to fulfill their support

	obligations
Authorized representative of the Judicial Branch in IV-D child support cases	Information concerning noncustodial parents that is necessary to (1) identify noncustodial parents with IV-D child support cases who may benefit from educational, training, skill building, work, or rehabilitation programming that will significantly increase their ability to fulfill their support obligations; (2) assist in administering the IV-D child support program; or (3) assist in identifying cases involving family violence
Authorized representative of the state treasurer in IV-D child support cases	Information necessary to identify individuals who owe overdue child support before the treasurer pays their unclaimed or abandoned property claims
Authorized representative of the Office of Policy and Management secretary	Information necessary to implement and operate the renters rebate program

Notice Requirements

The bill requires DOH to notify applicants for assistance that if they receive benefits, the department will provide their address to law enforcement, upon request, provided the conditions described above are met (e.g., the officer provides DOH with the recipient's name). (However, DOH must disclose the addresses of applicants, not only benefit recipients.)

In addition, it requires the commissioner to give written notice to a person applying for or receiving DOH assistance, or participating in one of its programs, that personal information may be provided to DCF as noted above. Under this disclosure requirement, the DOH commissioner may release a person's address, telephone number, and any other necessary information.

BACKGROUND

Programs Transferred to DOH

PA 13-234 transferred, from DSS to DOH, responsibility for administering:

1. the federal Housing Choice Voucher and Section 8 programs;
2. the rental assistance program, including the transitional and

- emergency rental assistance programs;
3. homelessness prevention programs, including emergency shelter services, transitional housing services, and on-site social services;
 4. housing for individuals with AIDS;
 5. the rent bank program;
 6. the assessment and mediation program for certain families at risk of becoming homeless or in imminent danger of eviction or foreclosure;
 7. the security deposit guarantee program;
 8. the homefinders program; and
 9. emergency rental assistance for families living in hotels and motels and eligible for the Temporary Family Assistance program.

Public Agency

Generally, under FOIA, a public agency is any (1) state, municipal, regional, or quasi-public agency or (2) entity that is the functional equivalent of such agencies (CGS § 1-200(1)).

IV-D Child Support Cases

A IV-D child support case is one in which (1) a child for whom support is sought received public assistance benefits or (2) an application for enforcement services is filed with either DSS's Bureau of Child Support Enforcement or the Judicial Branch's Support Enforcement Services unit (CGS § 46b-231(b)(13)). Title IV-D of the federal Social Security Act governs federal reimbursement for state child support enforcement programs.

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 11 Nay 0 (03/08/2016)